GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:3086
ANSWERED ON:29.11.2010
SC/ST STATUS
Mitra Shri Somendra Nath

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the Government has agreed in principle to grant the status of Scheduled Castes and Scheduled Tribes to children born of an SC/ST mother but a non-SC/ST father extend all benefits for SC/ST to such children;

(b) if so, the details thereof;

(c) whether any survey has been undertaken to ascertain the number of such children;

(d) if so, the details thereof and if not, the reasons therefor;

(e) whether the provision will be applicable to the children born from mothers belonging to the OBC category;

(f) if so, the details thereof;

(g) whether the Supreme Court in a recent judgement clearly stated that no person who is not an SC/ST by birth will be deemed a member of SC/ST, merely because he or she marries a person belonging to the SC/ST;

(h) if so, the details thereof and the response of the Government thereto; (i) whether the Government has taken a decision to go ahead with the proposal despite Supreme Court judgement; and (j) if so, the reasons therefor?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT (SHRI D. NAPOLEON)

(a) & (b) There is no change in the existing instructions dated 21.5.1977, of the Ministry of Home Affairs.

(c)&(d) No. Sir. Issuance and verification of caste certificates is the responsibility of concerned State Government/ Union Territory Administration.

(e) &(f) Aforesaid instructions dated 21.5.1977, are applicable to SCs and STs only.

(g) & (h) Three judge bench of the Supreme Court in its judgment dated 28.01.2005, Appeal (Civil) 4413-4414 of 2003, in the matter of Sobhha Hymavathi Devi vs Setti Gangadhara Swamy, inter-alia, held:

"..... the recognition of a lady as a member of a backward community in view of her marriage would not be relevant for the purpose of entitlement to reservation under Article 16(4) of the Constitution for the reason that she as a member of the forward caste, had an advantageous start in life and a marriage with a male belonging to a backward class would not entitle her to the facility of reservation given to a backward community."

(i) There is no such proposal at present.

(j) Does not arise.